

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 19, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-463) Proclamation declaring the week of September 17-23, 2006 as National Pollution Prevention Week.

Mayor Johnson read and presented the proclamation to Ed Clark with Webster Street Pharmacy, and Phillip Jaber with Versailles Pharmacy.

Mr. Jaber stated the Bay-safe Mercury Thermometer Exchange Program has been well received.

Mayor Johnson stated that people should know that mercury thermometers can be exchanged for a new mercury-free, digital thermometer.

Mr. Clark urged the public to bring expired prescription medications to Webster Street Pharmacy or Versailles Pharmacy for disposal.

Councilmember deHaan stated mercury thermometers have been collected for more than fifteen years; he is surprised mercury thermometers still exist.

CONSENT CALENDAR

Mayor Johnson announced that the Resolution Approving Amendment No. 2 [paragraph no. 06-468] and Resolution Establishing Guidelines [paragraph no. 06-469] were removed from the Consent Calendar for discussion.

Vice Mayor Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by

unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

Following the discussion of the items pulled from the Consent Calendar, speaker David Kirwin requested to speak on the Recommendation to adopt Specification No. MSP9-01-1 [paragraph no. *06-466] and the recommendation to accept and authorize to record a Notice of Completion [paragraph no. *06-467]

(*06-464) Minutes of the Special and Regular City Council Meetings held on September 5, 2006. Approved.

(*06-465) Ratified bills in the amount of \$10,732,440.43.

(*06-466) Recommendation to adopt Specification No. MSP9-01-1 and authorize request for bids for a Vehicle Tow Contract for the Police Department. Accepted.

David Kirwin, Alameda, stated the Buy Alameda campaign could be improved through the bidding process.

(*06-467) Recommendation to accept and authorize to record a Notice of Completion for Bayport Residential Phase 2 Trunk Line Demolition and Grading Improvements. Accepted.

David Kirwin, Alameda, stated Public Works staff should be responsible for final inspection before a Notice of Completion is signed.

Mayor Johnson requested staff to explain whether Public Works signs off on the work.

The Public Works Director responded in the affirmative; stated Development Services works with the Public Works Department; Public Works approves the projects.

Councilmember Daysog stated the staff report indicates that the original engineer's estimate was \$1.68 million; the total project cost was \$1.40 million; \$270,000 was saved.

Councilmember Daysog moved approval of the staff recommendations to adopt Specification No. MSP9-01-1 [paragraph no. *06-466] and to accept and authorize to record a Notice of Completion [paragraph no. *06-467].

Vice Mayor Gilmore seconded the motion, which carried by unanimous

voice vote - 5.

(06-468) Resolution No. 14012, "Approving Amendment No. 2 to the 1986 Alameda County Transportation Expenditure Plan." Adopted.

Councilmember Daysog stated the issue has been controversial in the City of Hayward; the City is being asked to join other Alameda County cities in voting for a change to the Measure B funding program; some people do not want to widen Mission Boulevard; stated he would abstain on the matter.

Mayor Johnson inquired whether any other projects were remaining, to which the Public Works Director responded two projects remain.

James O'Brien, Alameda County Transportation Authority (ACTA) Project Control Team, stated the Hayward Bypass project was more controversial; ten capital projects were listed in the Expenditure Plan; Amendment 1 addressed the first segment of the Route 238 and Route 84 project and was replaced with a set of improvements to address the congestion problems within the corridor; Amendment 2 addresses the connection between Mission Boulevard and Interstate 880; Union City and Fremont originally opposed the connection; the Expenditure Plan Amendment is needed because of the significant variance from the plan description.

Mayor Johnson inquired whether the Board of Supervisors voted on the amendment.

Mr. O'Brien responded the ACTA Board voted four to one; stated Supervisor Haggerty voted no.

Mayor Johnson inquired whether the Mayor of Hayward voted.

Mr. O'Brien responded the Mayor of Hayward voted in favor of the amendment; stated the matter needs to go to cities representing the majority of the population in incorporated Alameda County; the matter has been approved by ten of the fourteen cities; Alameda's vote would push the vote over the 50% line.

Mayor Johnson inquired whether Fremont and Union City approved the amendment, to which Mr. O'Brien responded in the affirmative.

Councilmember Daysog moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-469) Resolution No. 14013, "Establishing Guidelines for

Reimbursement of Per Diem Allowance for City of Alameda Business Travel." Adopted.

David Kirwin, Alameda, stated the \$64 per diem rate only should apply when in San Francisco.

The Finance Director stated the rate has not been updated since 1996; San Francisco was used because the area is the closest geographical area reported in the Internal Revenue Service (IRS) 1542 Publication; the \$64 per day rate is the maximum amount; further stated the proposed resolution would change the processes to automatically refer to the IRS publication for per diem reimbursement, the same as mileage reimbursement.

Councilmember deHaan inquired whether reimbursement would be less than \$64 per day if expenses were less, to which the Finance Director responded in the affirmative.

Councilmember Daysog stated that \$46 in 1996 dollars equals \$64 in 2006 dollars when you use 4% annual rate of inflation.

Councilmember deHaan stated he did not see where the resolution language included "up to."

The City Manager read the language in the proclamation addressing the issue.

In response to Mayor Johnson's inquiry regarding reimbursement, the Finance Director responded receipts would need to be submitted.

The Finance Director responded in the negative; stated receipts would need to be submitted.

Councilmember Daysog moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

REGULAR AGENDA ITEMS

(06-470) Resolution No. 14014, "Reappointing Jessica Lindsey to the Economic Development Commission." Adopted;

(06-470A) Resolution No. 14015, "Appointing Alan J. Ryan to the Economic Development Commission." Adopted;

(06-470B) Resolution No. 14016, "Reappointing Betsy E. Gammell to the Golf Commission." Adopted; and

(06-470C) Resolution No. 14017, "Reappointing Jo Kahuanui to the Recreation and Park Commission." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Vice Mayor Gilmore seconded the motion, which passed by unanimous voice vote - 5.

The City Clerk administered the oath and presented certificates of appointment.

(06-471) Resolution No. 14018, "Endorsing and Supporting the U.S. Conference of Mayors' Climate Protection Agreement." Adopted.

Mayor Johnson stated the United States Conference of Mayors was requesting a commitment for support at the local level.

The Supervising Planner stated the proposed resolution follows and supports the resolution to join the International Council for Local Environment Initiatives which was adopted in July 2006.

Mayor Johnson stated the matter was placed on the agenda to ensure that there was follow through with the commitment.

Councilmember Daysog moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(06-472) Public Hearing to consider ZA06-0001, Zoning Ordinance Text Amendment City-wide; and

(06-472A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 30-4.9A.g.8 (Off-Street Parking and Loading Space) of the C-C Community Commercial Zone of Chapter XXX (Development Regulations) to Add a Process for Parking Exceptions. Introduced.

The Supervising Planner provided a brief presentation.

Mayor Johnson stated downtown parking needs to be provided; she understands the City wants to de-emphasize the automobile in the General Plan; however, people still need places to park; Webster Street parking needs to be addressed immediately; she agrees with changing the requirements; a structured parking lot should be considered.

Vice Mayor Gilmore inquired whether the use runs with the owner or

building, to which the Supervising Planner responded the use runs with the land.

Vice Mayor Gilmore inquired whether a new building owner would get the previous owner's reduced parking if the use would be different, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired what would happen if a ground floor office was replaced by a retail store with more foot traffic.

The Supervising Planner responded ground floor office is not allowed in the Community Commercial (CC) District.

Vice Mayor Gilmore inquired about parking in lieu fees.

The Supervising Planner stated that parking in lieu fees are triggered when a building or use cannot meet the parking standards; a fee is paid to assist the City with payment for off-street parking or a parking structure; parking waivers can be requested; parking in lieu requests are considered by the Planning Board.

Vice Mayor Gilmore inquired whether the parking in lieu fees has a range or a set amount per parking space.

The Supervising Planner responded the parking in lieu fees are based on the assessed value times 250 square feet.

Vice Mayor Gilmore inquired what a parking study would cost, to which the Supervising Planner responded she did not think a parking study would cost as much as the cost of parking.

Councilmember deHaan stated parking in lieu fees are approximately \$6,000 and are predicated on the property use; a lot of retail tenants do not stay very long.

The City Attorney stated the ordinance specifies that control would be for the use as well as the structure.

Mayor Johnson inquired whether a use permit continues unless the use is discontinued for a year; further inquired whether the permit could run with the use of the land.

The City Attorney responded the permit does not run with the land; a new parking exception would be needed if there are structure and use alterations.

Councilmember deHaan inquired whether the ordinance language was patterned after other cities.

The Supervising Planner responded San Leandro's ordinance language was used; additional research was done on how Albany, South San Francisco, and San Carlos administer exception ordinances.

Councilmember deHaan inquired whether said cities were satisfied with the outcome.

The Supervising Planner responded no problems have occurred with San Leandro's implementation.

Mayor Johnson opened the public portion of the hearing.

Kathy Moehring, West Alameda Business Association (WABA), stated one of WABA's goals is to encourage new and existing businesses to flourish; WABA is in support of the proposed ordinance.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember deHaan inquired what is the present ordinance.

The Supervising Planner responded the present ordinance does not have a parking exception provision.

Councilmember deHaan inquired whether there could be a change for restaurants.

The Supervising Planner responded possibly; stated a change in hours of operation would not qualify for an exception because there would not be a long-term change to the structure.

Councilmember deHaan inquired whether there was tiering and whether only offices would be affected.

The Supervising Planner responded some restaurants could request an exception if a large cooking area took up a lot of space.

In response to Councilmember deHaan's statement regarding a study, the Supervising Planner stated a study needs to be approved by the Public Works Director.

Councilmember deHaan stated other cities must have set up some type of standards; inquired whether playbooks were used.

The Supervising Planner responded in the negative; stated review is made on a case-by-case basis.

Councilmember Daysog stated the proposed ordinance provides a process so that a transit-first policy can be brought to life; the Webster Street bus stop bulb outs protrude out into the lane closest to the sidewalk; the idea is to begin to build changes that encourage mass transit and discourage automobile use; he likes the philosophy behind the proposed ordinance; the City is moving in the right direction.

Mayor Johnson concurred with Councilmember Daysog; stated off-street parking opportunities still need to be reviewed.

Councilmember Matarrese concurred with Councilmember Daysog; stated the ordinance is proposed for introduction tonight.

Mayor Johnson requested that staff provide Council with an update in six months; stated the ordinance can be refined as needed.

Councilmember Daysog moved introduction of the ordinance.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember deHaan stated the matter should be brought back to see how things are working to determine whether modifications are needed; the proposed ordinance provides an opportunity for interested retailers to come to the downtown areas.

On the call for the question, the motion carried by unanimous voice vote - 5.

(06-473) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 13-2.2(e) (Modifications, Amendments and Deletions to the California Building Code) of Section 13-2 (Alameda Building Code) of Chapter XIII (Building and Housing), to Incorporate Specific Requirements for the Installation of Fire Extinguishing Systems. **Not introduced.**

The Fire Marshal provided a Power Point presentation.

Mayor Johnson requested an explanation of the current calculation.

The Fire Marshal responded the building's assessed value is reviewed; stated currently a sprinkler system retrofit is triggered if the permitted work exceeds 50% of the assessed value.

Mayor Johnson inquired how the new calculation would work.

The Fire Marshal responded the new calculation would be based upon the International Code Council Building Evaluation Table; stated

the Table is broken down by occupancy group and by construction type and provides a cost per square foot to determine what the construction costs would be for the building; the factor is multiplied by the building square footage which gives the current building value; the retrofit trigger point would be 25% of the current building value.

Mayor Johnson inquired whether current value would be market value, to which the Fire Marshal responded the value of the building would be based on replacement construction costs.

Mayor Johnson inquired whether the calculation was typical for the type of ordinance.

The Fire Marshal responded not all jurisdictions use the method.

Mayor Johnson stated construction costs are not reflective of current value; inquired whether calculations would be based on the entire square footage of an apartment building if work was done on a portion of the building, to which the Fire Marshal responded in the affirmative.

Mayor Johnson opened the public portion of the Hearing.

Proponent (In favor of ordinance): Kathy Moehring, WABA.

Opponents (Not in favor of ordinance): Barbara Kerr, Alameda; Steve Edrington, Rental Housing Owners of Northern Alameda County; David Kirwin, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Following Mr. Edrington's comments, Mayor Johnson inquired whether the intent is to bring more properties into the requirement by changing the calculation from assessed value to square footage.

The Fire Marshal responded the intent is to create an even playing field for the community by having a standard threshold for retrofitting.

Mayor Johnson stated a kitchen remodel could qualify.

Councilmember deHaan stated the assessed value could be in the millions for recently bought properties; inquired how long the current ordinance has been in place, to which the Fire Marshal responded seven or eight years.

Mayor Johnson inquired how the value of the work is calculated, to which the Fire Marshal responded the value is calculated on the same data evaluation table used by the Building Department.

Following Mr. Kirwin's comments, Mayor Johnson inquired whether feedback has been received on new construction; stated the concerns seem to be with remodels.

The Fire Marshal responded that he met with Alameda Point Community Partners, Catellus, Doric Development, Warmington, Peter Wong, Resources for Community Development, Park Street Business Association, WABA, Alameda Association of Realtors, Chamber of Commerce, and Harbor Bay Homeownership Association.

Mayor Johnson inquired whether anyone had concerns, to which the Fire Marshal responded in the negative.

Mayor Johnson inquired whether any of the speakers have concerns with new construction.

Mr. Kirwin stated costs would be higher for new occupants.

Councilmember Matarrese inquired how the 25% threshold was selected.

The Fire Marshall responded 25% to 50% is the range other cities use.

Councilmember Matarrese stated he does not understand the rationale for using the lowest range.

The Fire Marshal stated he felt 25% was a reasonable percentage based upon building values and remodeling.

Mayor Johnson inquired whether all cities use the same value calculation, to which the Fire Marshal responded in the negative.

Mayor Johnson inquired what other methods are used, to which the Fire Marshal responded assessed valuation and current building value.

Mayor Johnson inquired whether some cities use fair market value, to which the Fire Marshal responded that he would provide the information.

Councilmember Matarrese stated the 25% threshold precludes people from investing in earthquake retrofitting and multiple upgrades that may spread across a number of units; he would like to review

the 25% threshold and take a deeper look at the data for replacing the whole building as the valuation to see where the range of other comparables sit and what people are doing within the range; using the assessed value is not fair.

Mayor Johnson stated an owner could spend less than 25% and still fall within the requirement because of the assessed value or square footage of the entire structure.

The Fire Marshal stated the value of the work being done is calculated using the same table to determine the building value.

Vice Mayor Gilmore stated she is in favor of ordinances that save lives; however, the proposed ordinance would pass on a serious cost to property owners; most of the Fire Department's calls are medical and not fire related.

Councilmember Matarrese stated two buildings in town were damaged by fire; inquired whether the damage would have occurred if sprinkler systems were installed; stated that he is looking for a cost benefit; questioned whether fire sprinklers provide an insurance break.

The Fire Marshal responded damage would not have occurred.

Councilmember deHaan stated fire carries up Victorian walls without a problem; older homes are prone to extensive fires; sprinklers would not have suppressed the referenced fires.

The Fire Marshall stated fire sprinklers are designed to help occupants get out of the building; fires are extinguished with one sprinkler head activation 95% of the time; smoke alarms are important, but sprinklers allow time for the occupants to exit the building.

Vice Mayor Gilmore inquired how many structure fires occur in Alameda.

The Fire Marshall responded fifty-five structure fires, two fatalities, eight injuries and over \$11 million in damage occurred in 2003; twenty-two of the fifty-five were in single and two family dwellings; twenty-three structure fires were in multi-family dwellings and ten were in commercial buildings; forty-two fires, one fatality, two injuries and \$1.5 million in damage occurred in 2004; eighteen of the structure fires were in single or two family dwellings, nineteen were in multi-family dwellings, and five were in commercial buildings; nationally 3,900 people die in structure fires; 75% of structure fires are in one and two family dwellings.

Mayor Johnson inquired what would be the extra cost for new construction.

The Fire Marshal responded the proposed ordinance has language that allows fire sprinkler systems to be combined with the domestic water service, which eliminates the dedicated fire main system; the East Bay Municipal Utility District allows the use of dual service meters which supplies the fire sprinkler system and the domestic water system for the house and reduces the cost.

Councilmember Daysog stated a range of questions have been presented which could be addressed at a workshop with affected stakeholders; workshops help in the rule making process; inquired how information was obtained from the stakeholders.

The Fire Marshal responded groups meetings were held.

Councilmember Matarrese concurred with Councilmember Daysog; stated the current code is unfair because the threshold is based on assessed value; another valuation is needed; the threshold needs to be tested; jurisdictions that use the replacement value should be reviewed to see were the range of threshold sits.

Councilmember deHaan stated the concerning factors are with retrofitting of older homes; 25% of construction cost seems to be very low; concurred with Councilmember Matarrese regarding reviewing other jurisdictions.

Councilmember Matarrese stated a four unit apartment bathroom remodel could trigger quite an expense; the issue seems to be rectifying the disparity between using assessed value as the valuation upon which the threshold percentage is based and reviewing what the appropriate threshold should be once the threshold is leveled.

Councilmember deHaan stated termite and foundation damage could trigger the threshold.

Mayor Johnson stated she is concerned with how the work is calculated.

Councilmember Daysog requesting different scenarios showing how the proposed ordinance was better than what is currently in place; stated workshops provide an opportunity to have a range of issues discussed.

Former Councilmember Barbara Kerr stated workshops are a good idea;

workshops should include a wide range of individuals and should be noticed and open.

Councilmember Matarrese moved approval of directing the Fire Marshal and other Department Heads, including the City Manager and Planning and Building Director, as needed, to take the matter back to a workshop open to the public and publicly noticed to resolve issues raised and bring other issues to the forefront, particularly to look at the equity and value, the threshold amount, and the way that the worth is calculated and projected across the project as well as looking at the on-going operating costs versus the benefit of the revised code.

Vice Mayor Gilmore seconded the motion.

Under discussion, Councilmember Daysog stated that stakeholder comments should be noted and compared to what staff thinks is needed.

Councilmember deHaan stated the cost of follow up needs to be placed in the equations.

The Fire Marshal stated one and two family dwellings do not have on-going maintenance costs; inspections are performed by the homeowners.

Mayor Johnson stated examples should include costs for different types of structures.

Councilmember deHaan requested clarification on whether garages are part of the square foot determination.

Mayor Johnson inquired whether garages are exempted for single-family homes and duplexes.

The Fire Marshal responded garages would be required to have a sprinkler if attached to the dwelling.

Mayor Johnson inquired whether a detached garage would need to have a sprinkler, to which the Fire Marshal responded only if the garage is more than 300 square feet.

On the call for the question, the motion carried by unanimous voice vote - 5.

(06-474) Ordinance No. 2952, "Reclassifying and Rezoning Certain Property Within the City of Alameda from Open Space (O) to Community Manufacturing Planned Development (CM-PD) by Amending

Zoning Ordinance No. 1277, N.S. for that Property Located at 500 Maitland Drive." Finally passed.

David Kirwin, Alameda, stated the Chuck Corica Golf Course chain link fence was moved back to make room for moving Maitland Drive; the RV Storage was a harsh way to think about a neighborhood.

Councilmember deHaan stated he was not present when the decision to sell the property was made; five acres of the gun range were contaminated and the best use was an RV Storage area; the property was sold for \$1 million; the green portion and roadway were sold for approximately \$45,000; 1.2 acres was given away for \$45,000 and should remain open space.

Councilmember Daysog stated that he would vote against rezoning for reasons relating to consistencies regarding RV issues on Webster Street.

Mayor Johnson stated the facility is a requirement that the City placed on the developer in the 1970's.

The Planner III stated the developer was required to set aside 3 acres for future expansion of the RV Storage facility when triggered by market demand.

Councilmember Matarrese stated he would support the proposed ordinance as long as appropriate screening is required to provide a green shield to soften the commercial property and as long as the requirement is binding; the City has benefited and should do something for the neighborhood.

The Planner III stated the Planning Board included the landscape requirement; the final development plan and design review have a condition that specific landscaping requirements would screen the RV's; clarified that the gateway into Harbor Bay would not be disturbed.

Councilmember Matarrese inquired whether an additional review could be added to make sure that the specific landscape requirement happens.

The City Attorney responded the additional review would not be included in a zoning ordinance typically; stated the requested condition is already a condition of the project.

The Planner III read the following portion of the condition..."The developer shall submit a final landscaping plan. Perimeter landscaping shall be consistent with existing landscaping already

established along the Harbor Bay Parkway and Maitland Drive frontages. Landscaping shall provide well-designed transition zone and buffer between the project and surrounding land uses. Perimeter landscaping along the eight-foot high vinyl clad chain link fence shall be of a density and appropriate height (typically two feet above fence) to screen the tops of recreational vehicles from public viewing areas. The landscaping plan is subject to final approval by the Planning and Building Director..."

Mayor Johnson stated the condition is good.

Councilmember Matarrese stated the final decision on the actual green screen is approved by the Planning and Building Director; requested a report back from the Planning and Building Director on the matter.

Vice Mayor Gilmore seconded the motion.

Under discussion, Councilmember deHaan stated Parcel 109-4 and 109-2 total 1.2 acres; inquired whether the property is clean.

The Planner III responded in the affirmative; stated one portion is under Maitland Drive; the other part is the corporate yard for the Golf Course and was not part of the Gun Club; a Phase 1 and Phase 2 assessment was performed on the original 5 acre facility; a cleanup plan was implemented by the County Health Department; the site has been remediated.

Councilmember deHaan stated the City only received \$45,000 for the property; more of a set back would have been prudent.

On the call for the question, the motioned carried by the following voice vote: Ayes: Councilmembers Gilmore, Matarrese, and Mayor Johnson - 3. Noes: Councilmembers Daysog and deHaan - 2.

ORAL COMMUNICATIONS, NON-AGENDA

(06-475) David Kirwin, Alameda, discussed Article 25 of the City Charter.

Mayor Johnson requested the City Attorney to provide Mr. Kirwin with additional information on the specific program addressed in Article 25.

(06-476) Pat Colburn, Alameda, provided handout; discussed banning gas blowers.

Mayor Johnson inquired whether Ms. Colburn is suggesting banning

electric blowers; to which Ms. Colburn responded all leaf blowers would be included.

Mayor Johnson inquired whether other cities have adopted ordinances banning leaf blowers.

Ms. Colburn responded between twenty and forty California cities have banned leaf blowers.

Mayor Johnson inquired which Bay Area cities have banned leaf blowers, to which Ms. Colburn responded Palo Alto and Berkeley.

Mayor Johnson inquired whether the City of Berkeley received complaints from gardeners.

Ms. Colburn responded gardening may take a little longer and gardeners may charge the homeowner more, but the matter has not become a big issue.

Mayor Johnson suggested that staff review what other cities have done.

The City Manager responded that staff would provide an Off Agenda Report.

Councilmember deHaan stated leaf blowers often blow debris into the roadway or a neighbor's yard; the City is impacted because of additional clean up.

(06-477) Deborah James, Alameda, discussed traffic, speeding and parking at bus stops.

Mayor Johnson stated the City Manager would pass concerns onto the Police Chief.

Councilmember deHaan stated recent emails were received regarding speeding cars.

The City Manager stated the Police Chief met with the people in the neighborhood.

COUNCIL COMMUNICATIONS

(06-478) Consideration of Mayor's nominations for the Economic Development Commission, Social Service Human Relations Board and Climate Protection Campaign Task Force.

Mayor Johnson nominated Robert A. Bonta for appointment to the

Economic Development Commission; Cathy Nielsen and Henry B. Villareal for appointment to the Social Service Human Relations Board; and David J. Burton, Stanley M. Schiffman, Ron Silberstein, and Lizette Weiss for appointment to the Climate Protection Campaign Task Force.

(06-479) Councilmember deHaan stated that over half of the Tube lights are out; the situation is dangerous; requested Cal Trans be pushed to replace the lights with the new lighting system that was promised two to three years ago.

(06-480) Councilmember Daysog suggested formalizing the use of workshops; stated workshops allow people an opportunity to provide non-confrontational input.

(06-481) Vice Mayor Gilmore thanked staff and the contractor for the smooth road paving process.

(06-482) Mayor Johnson stated some streets have three foot by three foot patches from some type of utility cut; inquired whether the responsible party could be required to do a slurry seal over the patches; there is a large patch on Buena Vista Avenue and Regent Street.

The City Manager responded ordinances would be reviewed.

Mayor Johnson stated that the suggested requirement should be added if not already included in the ordinance.

(06-483) Councilmember deHaan requested information on the paving funding stream; stated he is impressed with the current street paving activity.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

SPECIAL JOINT CITY COUNCIL, ALAMEDA REUSE
AND REDEVELOPMENT AUTHORITY (ARRA), COMMUNITY
IMPROVEMENT COMMISSION (CIC), AND HOUSING
AUTHORITY BOARD OF COMMISSIONERS (HABOC) MEETING
TUESDAY- -SEPTEMBER 19, 2006- -7:00 P.M.

Mayor/Chair convened the Special Joint Meeting at 7:07 p.m.

Roll Call - Present: Councilmembers/ Commissioners/ Authority
Members / Board Members Daysog, deHaan,
Gilmore, Matarrese, Commissioner Torrey,
and Mayor/Chair Johnson - 6.

Absent: None.

The Special Joint Meeting was adjourned to Closed Session to consider:

(06-052CIC) Conference with Real Property Negotiators; Property:
Alameda Landing; Negotiating parties: City of Alameda Community
Improvement Commission and Catellus; Under negotiation: Price and
terms.

(06-459CC/06-053CIC) Conference with Legal Counsel - Existing
Litigation; Name of case: Operation Dignity v. Alameda Reuse and
Redevelopment Authority, City of Alameda, Community Improvement
Commission and Housing Authority.

Alex McElree, Operation Dignity Executive Director, stated
Operation Dignity looks forward to working with Resources for
Community Development (RCD) and the City to put money together to
build the units; the units are vital to Operation Dignity and
housing providers; transitional people should be allowed to move
into permanent spaces; urged approval of the Settlement Agreement.

Following the Closed Session, the Special Joint Meeting was
reconvened and Mayor/Chair Johnson announced that regarding Real
Property, Commissioners received a briefing from Real Property
Negotiator and no action was taken; regarding Existing Litigation,
Council/Commissioners/Authority Members/Board Members met with
Legal Counsel to discuss the Operation Dignity Lawsuit and agreed
to a final settlement of the lawsuit; stated the Settlement
Agreement would be available in the City Clerk's office.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA),
COMMUNITY IMPROVEMENT COMMISSION (CIC), AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS (HABOC) MEETING
TUESDAY- -SEPTEMBER 19, 2006- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:46 p.m. Vice Mayor/Authority Member/Commissioner/Board Member Gilmore led the Pledge of Allegiance.

Roll Call - Present: Councilmembers / Authority Members / Commissioners / Board Members Daysog, deHaan, Gilmore, Matarrese, Commissioner Torrey, and Mayor/Chair Johnson- 6.

Absent: None.

AGENDA ITEM

(06-460CC/06-054CIC) Recommendation to approve an Implementation Agreement with Operation Dignity and Resources for Community Development for the construction of 39 Affordable Rental Units on a Portion of the Fleet Industrial Supply Center.

Councilmember/Authority Member/Commissioner/Board Member Matarrese stated the Implementation Agreement is a big step in moving forward with affordable housing; inquired what would be tradeoff if litigation were to continue.

The City Attorney responded the Settlement Agreement would pave the way for the City to apply for grant funding and special State funds to help build 39 affordable housing units; stated qualifying for funds and specifically tax credit financing would have been difficult for the City without the Settlement Agreement; Operation Dignity is willing to set aside current interest in the property to allow the City to receive financing through a tax credit program; Operation Dignity would defer leasehold interest for approximately seven years, would receive money to compensate for the wait, and would use the money to further enhance affordable housing in the community; the City would be relieved of millions of dollars in obligations to build the 39 affordable housing units.

Councilmember/Authority Member/Commissioner/Board Member Matarrese stated millions of dollars would be saved, the City would have access to funds for affordable housing, and precious resources would be saved on legal activities.

Councilmember/Authority Member/Commissioner/Board Member Matarrese moved approval of the staff recommendation.

Commissioner Torrey seconded the motion, which carried by unanimous voice vote - 6.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:49 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA),
AND COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -SEPTEMBER 19, 2006- -7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:50 p.m.

ROLL CALL - Present: Councilmembers / Board Members /
Commissioners Daysog, deHaan, Gilmore,
Matarrese, and Mayor/Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Mayor/Chair Johnson announced that the recommendation to approve the amended contract with Architectural Resources Group [paragraph no. 06-056CIC], and the recommendation to approve the amended contract with Komorous-Towey Architects [paragraph no. 06-057CIC] were removed from the Consent Calendar for discussion.

Councilmember/Authority Member/Commissioner Matarrese moved approval of the remainder of the Consent Calendar.

Councilmember/Authority Member/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-055CIC) Minutes of the Special Meeting of the Community Improvement Commission held on September 5, 2006. Approved.

(06-056CIC) Recommendation to approve the amended Contract with Architectural Resources Group, Inc. by increasing the Contract amount by \$19,860 to provide additional Construction Administration Services for the rehabilitation of the Alameda Theater.

David Kirwin, Alameda, stated additional money should not be spent on the theater project until there is a final outcome on the lawsuit; commented other agenda items.

Commissioner Matarrese requested clarification that the \$19,860 Alameda Theater rehabilitation increase and the \$5,000 Civic Center Parking Garage increase were within the theater budget, not part of the contingency.

The Redevelopment Manager responded additional soft costs were expected; \$277,000 was included in the July 26, 2006 budget for said costs; the contingency would not be used to fund the amended

Contracts.

Commissioner Matarrese requested that the budget portion of staff reports identify whether or not costs are included in the theater and garage project budgets in the future.

The Redevelopment Manager gave a brief presentation; provided a handout on the budget.

Commissioner deHaan inquired whether other increases are anticipated, to which the Redevelopment Manager responded in the negative.

Commissioner deHaan inquired whether a milestone chart would be available, to which the Redevelopment Manager responded a milestone charge would be available within a week or two.

Commissioner deHaan stated the Council should be provided with any information given to the public ahead of time.

Chair Johnson stated the public should know that parking would not be available at the old Video Maniacs site after September 28.

Commissioner Matarrese moved approval of staff recommendations to approve the amended Contract with Architectural Resources Group [paragraph no. 06-056CIC] and to approve the amended Contract with Komorous-Towey Architects [paragraph no. 06-057CIC].

Commissioner Gilmore seconded the motion.

Under discussion, Commissioner deHaan inquired where the developer stands within the process.

The Redevelopment Manager responded the developer is a little bit behind the garage process; stated the developer is finalizing construction drawings and would be submitting the drawings for plan check and to other contractors for pricing.

Commissioner deHaan inquired whether the developer has met all financial requirements.

The Redevelopment Manager responded in the affirmative; stated the City is working closely with the Bank of Alameda to finalize the developer's financing.

On the call for the question, the motion carried by the following voice vote: Ayes: Commissioners Daysog, Gilmore, Matarrese, and Chair Johnson - 4. Noes: Commissioner deHaan - 1.

(06-057CIC) Recommendation to approve the amended Contract with

Komorous-Towey Architects, Inc. by increasing the Contract amount by \$5,000 to provide additional Architectural and Construction Administration Services for the Civic Center Parking Garage.

[For discussion and motion, refer to the recommendation to approve the amended Contract with Architectural Resources Group paragraph no. 06-056CIC.]

(*06-461CC/06-058CIC) Recommendation to accept the Quarterly Financial Report for Fiscal Year 2006 Fourth Quarter. Accepted.

AGENDA ITEMS

(06-462CC/06-059CIC) Public Hearing to consider certification of a Supplemental Environmental Impact Report, approval of a General Plan Amendment, a Master Plan Amendment, a Development Agreement Amendment, two new Development Agreements, a Disposition and Development Agreement to replace 1,300,000 square feet of approved but not yet constructed office and research and development uses with 400,000 square feet of office use, 300,000 square feet of retail use, 20,000 square feet of health club, and up to 300 residential units in the Catellus Mixed Use Development; and adoption/introduction of related resolutions/ordinances. The project area is located south of the Oakland Alameda Estuary, north of the College of Alameda and the Bayport Residential Project, east of Coast Guard Housing and west of Webster Street. The site is in the MX (Mixed Use) Zoning District. **Continued to October 17, 2006.**

(06-060CIC) Commissioner deHaan stated the Farmer's Market parking site is for sale; a top priority should be to obtain Webster Street parking; requested that the matter be discussed at a future date.

Chair Johnson requested an Off Agenda Report on the matter; stated staff has been working with the owner to buy the property.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:06 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

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